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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,468	09/19/2003	L. Terry Boatman	SOF152/142595 SO77-12693	8855
23444	7590	04/21/2005	EXAMINER	
ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER

3617

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,468

Applicant(s)

BOATMAN ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 6 rejected under 35 U.S.C. 102(b) as being anticipated by Carlsen et al. '553.

Carlsen et al. '553 discloses the claimed invention, specifically, the bearing surface ring is disposed about the turret, and the radial bearing pads are provided as well. An axial bearing is positioned as claimed, and the emergency radial bearing arrangement functions as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen et al. '553.

Carlsen et al. '553 discloses the claimed invention, with exception that the bearings and bearing surface are in effect reversed from the claimed arrangement. Specifically, the bearing surface ring is affixed to the inside of the moonpool opening, and the radial bearing pads are affixed to the outer side of the turret.

Art Unit: 3617

It would have been obvious to one of ordinary skill in the art at the time of the invention to essentially reverse the mounting of the components of Carlsen et al. '553, such that the bearing surface is affixed to the turret and the bearings affixed to the moonpool. Such would have provided no unexpected results, and is essentially an obvious design consideration.

Re "in a ring", such fails to define over the general arrangement of components.

Construction of elements from corrosion resistant materials which are known to be in contact with saltwater is considered an obvious design consideration, well within the level of skill of the ordinary routineer working in the art at the time of the invention.

Re claim 4, "low" is a relative term, carrying little weight in the claim.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen et al. '553 as applied to claims 1 and 2 above, and further in view of Stafford.

Carlsen et al. '553 fails to disclose the mounting of the bearings upon a ring.

Stafford teaches the provision of a support ring affixed to each of the turret and moonpool for support of radial bearings.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an attached supporting ring for support of the bearing pads of Carlsen et al. '553 as taught by Stafford.

Such a combination would have been desirable at the time the invention was made so as to provide increased strength of the assembly.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen et al. in view of Stafford as applied to claim 3 above, and further in view of Pollack '197.

Art Unit: 3617

Pollack shows a cylindrical bearing surface **242**, and a plurality of radial bearings secured and arranged about the turret in a ring. Each bearing is mounted upon a removable bracket.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the bearings of Carlsen upon removable brackets as taught by Pollack.

Such a combination would have been desirable at the time the invention was made so as to provide ease in replacement.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen et al. '553.

The thickness of the bearing pads is considered to have been an obvious design consideration, well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing no unexpected results.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack '197.

Pollack '197 teaches a bearing assembly as claimed (Fig. 12). The bearing pad **240** can be seen as being retained such that it is prevented from moving vertically in use by clamp **244**. The presence of the clamp implies replacability.

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the bearing pads of Pollack '197 as needed, as is considered to have been old and well known in the art. Inherently during such replacement, the clamp must be removed, and the bearing pad raised vertically to clear its retaining bracket.

Art Unit: 3617

Such a procedure would have been desirable at the time the invention was made so as to provide for replacement of worn parts.

9. Applicant's arguments filed 2/8/2005 have been fully considered but they are not persuasive.

Applicant argues that Carlsen fails to show a sliding bearing, as his emergency bearing is nothing more than a rubber bumper.

The examiner does not agree. Carlsen refers to his bearing as just that, a bearing. Relative sliding is inherent. Rubber is commonly used as a bearing material in submerged applications, particularly watercraft propeller shafts, therefore such is old and well known.

Re "low friction material", such is accorded no weight in the claim as such is a relative term.

Applicant argues that claim 6 as amended defines over the 102(b) rejection based upon Carlsen et al.

The examiner does not agree. There is nothing in claim 6 as amended with precludes a plurality of axial or radial bearing arrangements, contrary to Applicant's arguments. Therefore Carlsen et al. is still applicable as applied.

Applicant argues that it would be impossible to replace the bearings the bearings of Pollack, as no gap is provided.

In response, it is not the bearings of Pollack which are being replaced, it is the bearings of Carlsen, and Carlsen teaches a gap. Applicant's arguments are not germane to the rejection as made.

Art Unit: 3617

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart
Primary Examiner
Art Unit 3617